

REMARKS

In the Office Action, the Examiner stated that "This application contains claims directed to the following patentably distinct species of the claimed invention".

The Examiner identified four distinct species:

"Species I: shown in Figure 1-3;

Species II: shown in Figure 4;

Species III: shown in Figure 5;

Species IV: the embodiment, not shown, which uses a replacement coil spring that has a spring rate lower than that of the original coil spring".

The Examiner made a requirement under 35 U.S.C. 121 to "elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable".

The Examiner further stated that "Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which

are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention".

The Applicant respectfully disagrees with the Examiner by noting that all four species fall under the same field of search.

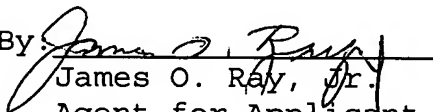
However, to comply with the restriction requirement, the Applicant elects Species I, shown in FIGS. 1-3 and states that claims 1-5, and 11-12 are readable thereon. Claims 6-10 have been withdrawn.

For the sake of clarity, the proposed amendments to Figures 2 and 3, attached herewith, now clearly distinguish a working end (145) of a different diameter than the stem element (144).

Conclusion

In the event the Examiner has further difficulties with the election, he is invited to contact the undersigned agent by telephone at 412-380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

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AMENDEMNT TO DRAWINGS

Please replace the Figures 2 and 3, currently on file, with proposed amendments to Figures 2 and 3, attached therewith, specifically illustrating a smaller working end (145) of the stem element (144).